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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/987,076      | 11/13/2001  | Jiro Senda           | Q66742              | 6567             |

7590 03/11/2009  
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| EXAMINER |
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GARCIA, GABRIEL I

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| ART UNIT | PAPER NUMBER |
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2625

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03/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/987,076 | <b>Applicant(s)</b><br>SENDA, JIRO |  |
|                              | <b>Examiner</b><br>GABRIEL I. GARCIA | <b>Art Unit</b><br>2625            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. This application has been examined, Claims 1,4,5,8 and 17-26 are pending in this application. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. Applicant's arguments, see page 7 of paper, filed 12/18/08, with respect to Toyoda '415 and Yamamoto '150 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of. Fantone et al. (6,549,295).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,4,5,8 and 17-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Fantone et al. (6,549,295).

Regarding claim 1, Fantone et al. discloses an image transmitting device (see Fig. 1,

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item 112) comprising combining process means (140) for generating a composite image by joining a plurality of original images (e.g. see fig. 2); storing means (reads on figs. 1 and 6b, which describe a host computer that can store images as depicted in fig. 6b) for storing the composite image generated by the combining process means and the original images that the composite image comprises together with corresponding combining data (combining data as format to be printed as depicted in fig. 6c) required for generating the composite image (see figs. 1-7 ) , and selection process means (reads on fig. 6b) for executing a selection process that outputs one or more of the composite image, original images, or combining data (reads on fig. 6b, which allows user to select one image or multiple of images to be merged or combined) as output data to an output destination device (output destination such as 120 or 122, see col. 3, lines 1-9) specified as the destination for image transmission (e.g. col. 1-67) and selection means further comprises: selecting output data based on predetermined based on the attributes of the output destination (reads on col. 3, lines 5-9, the attribute could be the different resolution of the printer).

With regard to claim 4, Fantone et al. further teaches wherein the selection process means executes the selection process based on user specifications (e.g. reads on fig. 6b).

With Regard to claims 5 and 25, the limitations of claims 5 and 25 are covered by the limitations of claim 1 above.

With regard to claim 8, Fantone et al. further teaches that the selection process in the

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selection process step is executed based on user specifications (reads on fig. 6b).

With regard to claim 17, Fantone et al. discloses wherein the election process means executes the selection process to selectively output one of the original images and combining and composite images based on properties of the output destination device (reads on fig.1 and fig. 6b and col. 9, line 64 thru col. 10, line 6, which clearly depicts how any image can be stored and later can be further process and combine with another image to create a merged or composite image) .

With regard to claims 18 and 19, Fantone et al. further teaches a storage means (inherently reads on the harddrive of the computer 112) comprises a single physical memory (inherently reads on the figs. 1, and 6b, which clearly suggests that images are merged and stored in files).

With regard to claim 20, Fantone et al. further teaches wherein the images are obtained from a scanner (reads on fig. 1, item 104).

With regard to claim 21, the limitations of claim 21 are covered by the limitations of claims 1 and 17 above.

With regard to claims 22-24 and 26, the limitations of claims 22-24 and 26 are covered by the limitations of claims 1 and 17 above. (clearly the ability to combine images can result in the storing of combined original images, and taking this created combined image and combining it with another image, clearly fig. 6b depicts that a single case can be selected to be printed).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anabuki et al. (6,441,913) teaches an image processing apparatus for merging images.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**March 8, 2009**